Docket No. BIO-5042



#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Assaf Govari, et al.

Serial No.: 10/785,162

Art Unit: 3763

Filed

: February 23, 2005

Examiner: Not Assigned

For

: ROBOTICALLY GUIDED CATHETER

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

August 23, 2005
(Date of Deposit)

Louis J. Capezzuto
(Name of applicant, assignee, or Registered Representative)

August 23, 2005

(Date of Signature)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §\$1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information

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Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under \$1.114, no additional fee is required. In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with [ ] the first or Second After Final Submission, therefore: Statement in Accordance with §1.97(e)  $\Box$ (attached); or Please charge Deposit Account No. 10the fee of \$180.00 as set forth in  $\S1.17(p)$ . In accordance with \$1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311, or

an action that otherwise closes prosecution and that it is accompanied by one of: Statement in Accordance with §1.97(e) (attached); or П Please charge Deposit Account No. 10the fee of \$180.00 as set forth / in \$1.17(p). In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p). Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith. Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT: In view of the voluminous nature of references  $\Box$ [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith. П If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

- The relevance of those listed references which are not in the English language is as follows: See English abstract for EP0943293A1.

English language.

- Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.
- The following non-published pending patent applications may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D. (Application No. 09/506,766 now issued U.S. Patent No. 6,892,091 on May 10, 2005, Application No. 09/598,862 now issued U.S. Patent No. 6,400,981 on June 4, 2002, Application No. 10/029,473 filed on December 21, 2001 and Application No. 10/029,595 filed on December 21, 2001.)

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/BIO-5042/LJC. This form is submitted in triplicate.

Respectfully submitted,

Louis J. Capezzuto

Reg. No. 37,107

Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-2218

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DATED: August 23, 2005

PTO/SB/08A (08-00) Approved for use through 10/31/2002, OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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(use as many sheets as necessary) Sheet 1of 6

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r form 1449A/PTO	Application Number	10/785,162
	Filing Date	02/23/2004
ORMATION DISCLOSURE	First Named Inventor	Assaf Govari
ATEMENT BY APPLICANT	Group Art Unit	3763
	Examiner Name	
(use as many sheets as necessary) Sheet 1 of 6	Attorney Docket Number	BIO-5042

U.S. PATENT DOCUMENTS

		U.S. Patent Doc	cument	Name of Detector or Applicant		
Examiner Initials	Cite No. <sup>1</sup>	Number	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages of relevant figures appear
		3,470,876		J. Barchilon	10-07-1969	
		4,173,228		Van Steenwyk et al.	11-06-1979	
		4,475,223		Taniguchi et al.	10-02-1984	
		4,920,980		Stefan A. Jackowski	05-01-1990	
		4,920,980		Stefan A. Jackowski	05-01-1990	
		4,930,494		Sakae Takehana et al.	06-05-1990	
		5,078,140		Yik S. Kwoh	01-07-1992	
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		5,339,799		Kami et al.	08-23-1994	
		5,391,199		Ben-Haim, Shlomo	02-21-1995	
		5,471,982		Edwards et al.	12-05-1995	
		5,431,645		Smith et al.	07-11-1995	
		5,558,091		Acker et al.	09-24-1996	
		5,562,619		Mirarchi et al.	10-08-1996	

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Examine Cite r Initials No.1		Foreign	Patent Docume	ent	Name of Patentee or	Date of Publication of	Pages, Columns, Lines, where relevant	$\prod$
		Office <sup>3</sup>	Number⁴ K	indCode <sup>5</sup>	Applicant of Cited Documer	Cited Document	passages or relevant figures appear	F 6 2
		wo	94/06349	A1	Endocardial Therapeutics, Inc.	03-31-1994		$\prod$
		EP	0 776 176	B1	Biosense, Inc.	06-04-1997		
		wo	97/12557	A1	Brian S. Kelleher	04-10-1997	•	
		wo	97/24981	A2	Biosense (Israel) Ltd.	07-17-1997		6
Examiner Signature			<b>.</b>		Date Consider	red		

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Application Number	10/785,162
Filing Date	02/23/2004
First Named Inventor	Assaf Govari
Group Art Unit	3763
Examiner Name	_
Attorney Docket Number	BIO-5042

11-10-1998

04-27-1999

Examiner Initials		U.S. Patent Document				
	Cite No. <sup>1</sup>	Number	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		5,489,270		Wilhelmus P.M.M. van Erp	02-06-1996	
		5,492,131		Zev Galel	02-20-1996	
		5,546,951		Shlomo Ben-Haim	08-20-1996	
		5,649,956		Jensen et al.	07-22-1997	
		5,681,260		Ueda et al.	10-28-1997	
		5,729,129		David E. Acker	03-17-1998	
		5,752,513		Acker et. al.	05-19-1998	,
		5,754,741		Wang et al.	05-19-1998	
		5,779,623		Leonard J. Bonnell	07-14-1998	
		5,808,665		Phillip S. Green	09-15-1998	

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David Ellis Acker

Dean M. Ponzi

		Foreign Patent Document		nt	Name of Batanta	Date of Publication of Cited Document	Pages, Columns, Lines, where relevant	
Examiner Initials	Cite No. <sup>1</sup>	Office <sup>3</sup>	Number <sup>4</sup> Ki	indCode <sup>5</sup>	Name of Patentee or Applicant of Cited Document	mm-dd-yyyy	passages or relevant figures appear	Τ6
		wo	98/43530	A1	Biosense, Inc.	10-08-1998		
		wo	99/45994	A1	Dalia Beyar	09-16-1999		
		EP	1 125 549	A2	Biosense, Inc.	08-22-2001		
		EP	0 943 293	A1	Braun Melsungen AG w/English Abstract	09-22-1999		
	]	wo	02/074178	A2	Brock Rogers Surgical, Inc.	09-26-2002		

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Signature	<u> </u>	Considered	

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Application Number	10/785,162
Filing Date	02/23/2004
First Named Inventor	Assaf Govari
Group Art Unit	3763
Examiner Name	
Attorney Docket Number	BIO-5042

				U.S. PATENT DOCUMENTS		
Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Docum	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		5,938,603		Dean M. Ponzi	08-17-1999	
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		6,014,580		Blume et al.	01-11-2000	
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		6,066,125		Wilton W. Webster, Jr.	05-23-2000	
		6,083,170	:	Shlomo Ben-Haim	07-04-2000	
		6,123,699		Wilton W. Webster, Jr.	09-26-2000	
		6,157,853		Blume et al.	12-05-2000	
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		6,183,463	B1	Webster, Jr.	02-06-2001	

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Application Number	10/785,162
Filing Date	02/23/2004
First Named Inventor	Assaf Govari
Group Art Unit	3763
Examiner Name	
Attorney Docket Number	BIO-5042

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		Number	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		6,198,974	B1	Wilton W. Webster, Jr.	03-06-2001	
		6,210,362	B1	Dean M. Ponzi	04-03-2001	
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		6,226,542	B1	Daniel Reisfeld	05-01-2001	
		6,246,898	B1	Vesely et al.	06-12-2001	
		6,285,898	B1	Shlomo Ben-Haim	09-04-2001	
		6,301,496	B1	Daniel Reisfeld	10-09-2001	
		6,368,285	B1	Osadchy et al.	04-09-2002	
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		6,402,719	B1	Ponzi et al.	06-11-2002	

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Application Number	10/785,162
Filing Date	02/23/2004
First Named Inventor	Assaf Govari
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Examiner Name	
Attorney Docket Number	BIO-5042

U.S. PATENT DOCUMENTS

		U.S. Patent Docu	ment			
Examiner Initials	Cite No. <sup>1</sup>	Kind Code <sup>2</sup> Number (if known)		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
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		Foreign	Foreign Patent Document		Name of Patentee or	Date of Publication of Cited Document	Pages, Columns, Lines, where relevant	
Examiner Initials	Cite No. <sup>1</sup>	Office <sup>3</sup>	Number <sup>4</sup> Ki	ndCode <sup>5</sup>	Applicant of Cited Document	mm-dd-yyyy	passages or relevant figures appear	Τ <sup>6</sup>
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Sheet 6 of 6

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First Named Inventor	Assaf Govari		
Group Art Unit	3763		
Examiner Name			
Attorney Docket Number	BIO-5042		

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	
Examiner's Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T²
		BAR-COHEN, Yoseph et al., ELECTROACTIVE POLYMERS (EAP) CHARACTERIZATION METHODS, Proceedings of SPIE's 7th Annual International Symposium on Smart Structures and Materials, 1-5 March, 2000, Newport, CA Paper No. 3987-04.	
		BAR-COHEN, Yoseph, TRANSITION OF EAP MATERIAL FROM NOVELTY TO PRACTICAL APPLICATIONS – ARE WE THERE YET? Proceedings of EAPAD, SPIE's 8 <sup>th</sup> Annual International Symposium on Smart Structures and Materials, 5-8 March, 2001, Newport, CA Paper No. 4329-02.	
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		KUHL, Christofer et al., VIRTUAL ENDOSCOPY: FROM SIMULATION TO OPTIMIZATION OF AN ACTIVE ENDOSCOPE, ESAIM: PROCEEDINGS, November 2002, Vol. 12, 84-93.	
		OTSUKA, Kazuhiro et al., SCIENCE AND TECHNOLOGY OF SHAPE-MEMORY ALLOYS: NEW DEVELOPMENTS, MRS BULETIN 27:91-100 (February 2002).	
		RAZAVINEJAD A., IONIC POLYMER METAL COMPOSITES, ELE 482 BME Seminar (March 2002).	

Examiner	Date	
Signature	Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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### SUBMISSION UNDER MPEP 609 D

Application Number	10/785,162	
Filing Date	02/23/2004	
First Named Inventor	Assaf Govari	
Group Art Unit	3763	
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Page 1 of 1

U.S. PATENT DOCUMENTS U.S. Patent Document Pages, Columns, Lines, Name of Patentee or Applicant Kind Code<sup>2</sup> where relevant passages or relevant figures appear Examiner Cite of Cited Document Initials (if known) Number No.1 09/506,766 - issued U.S. Patent No. 6,892,091 Biosense, Inc. 09/598,862 - issued U.S. Patent No. 6,400,981 Biosense, Inc. 10/029,473 - pending Biosense Webster, Inc. 10/029,595 - pending Biosense Webster, Inc.

FOREIGN PATENT DOCUMENTS Pages, Columns, Lines, where relevant passages Foreign Patent Document Name of Patentee or or relevant figures т Examiner Initials Cite Applicant of Cited Document appear Number<sup>4</sup> KindCode<sup>5</sup> Office<sup>3</sup> No.1 OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), Cite No.1 title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), Examiner volume-issue number(s), publisher, city and/or country where published Initials\* Partial European Search Report EP 05 25 0993 dated June 7, 2005

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